

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

MAXELL, LTD.,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. 5:19-cv-0036-RWS

**JURY TRIAL DEMANDED**

**JOINT MOTION TO PARTIALLY AMEND DOCKET CONTROL ORDER**

Pursuant to the Court's Order issued on December 1, 2020 resetting Jury selection and trial (D.I. 593), Plaintiff Maxell, Ltd. and Defendant Apple Inc. (collectively, the "Parties") hereby jointly move to amend the current Docket Control Order (Dkt. No. 545) in the above-captioned matter.

In the aforementioned Order, the Court directed the Parties

to promptly meet and confer regarding any remaining pretrial matters to be resolved, including a schedule for resolving objections to exhibits and deposition designations, or any other necessary modifications to the case schedule by filing a jointly proposed motion to amend the docket control order or other motion practice as the circumstances might require.

D.I. 593.

The parties thus propose and request entry of the following schedule to govern these proceedings until the reset trial:

Proposed Date	Event
<b>3 DAYS after conclusion of Trial</b>	Parties to file <b>Motion to Seal Trial Exhibits</b> , if they wish to seal any highly confidential exhibits.  <b>EXHIBITS: See Order Regarding Exhibits below.</b>
March 22, 2021  Court designated date – not flexible without good cause - Motion Required	<b>9:00 a.m. JURY TRIAL before Judge Robert W. Schroeder III, Texarkana, Texas.</b>  For planning purposes, parties shall be prepared to start the evidentiary phase of trial immediately following jury selection.
March 22, 2021  Court designated date – not flexible without good cause - Motion Required	<b>9:00 a.m. JURY SELECTION before Judge Robert W. Schroeder III, Texarkana, Texas.</b>
To Be Determined  Court designated date – not flexible without good cause - Motion Required	<b>PRETRIAL CONFERENCE before Judge Robert W. Schroeder III, Texarkana, Texas. (if necessary)</b>  Discuss trial logistics and <i>voir dire</i> procedure. Resolve any pending motions or objections.  Lead trial counsel must attend the pretrial conference.
March 4, 2020  [2.5 weeks before trial]	<b>File a Notice of Time Requested for (1) voir dire, (2) opening statements, (3) direct and cross examinations, and (4) closing arguments.</b>
March 1, 2020  [3 weeks before trial]	<b>File pretrial objections.</b>  The parties are <b>ORDERED</b> to meet and confer to resolve any disputes before filing any objection to pretrial disclosures.
March 1, 2020  [3 weeks before trial]	<b>File Amended Joint Final Pretrial Order, Amended Joint Proposed Jury Instructions with citation to authority and Amended Form of the Verdict for jury trials.</b>  Parties shall use the pretrial order form on Judge Schroeder's website.  Proposed Findings of Fact and Conclusions of Law with citation to authority for issues tried to the bench.

February 24, 2020 [3.5 weeks before trial]	Deadline for Parties to meet and confer regarding remaining pretrial objections.
February 17, 2020 [4.5 weeks before trial]	Parties identify exhibits and deposition designations for which they maintain pretrial objections.
February 12, 2020 [5 weeks before trial]	<b>Notice of Request for Daily Transcript or Real Time Reporting of Court Proceedings due.</b>  If a daily transcript or real time reporting of court proceedings is requested for trial or hearings, the party or parties making said request shall file a notice with the Court.
February 4, 2020 [6 weeks before trial]	<b>Deadline to File Motions Requesting Leave to Designate Exhibits in Excess of 250.</b>
February 4, 2020 [6 weeks before trial]	Exchange Narrowed Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List). Parties may withdraw, but not supplement, witnesses, deposition designations, and exhibits from those previously exchanged. Remaining deposition designations and exhibits shall maintain previously exchanged objections.  Video and Stenographic Deposition Designation due. Each party who proposes to offer deposition testimony shall serve a disclosure identifying the line and page numbers to be offered.
January 28, 2020 [7 weeks before trial]	Parties to complete identification of narrowed issues for trial in accordance with framework to be ordered by the Court. <sup>1</sup>

A proposed Docket Control Order is submitted herewith.

Dated: December 22, 2020

/s/ Jamie B. Beaber

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<sup>1</sup> Once the Court rules on the parties' dispute as to narrowing the issues for trial, the parties agree to meet and confer on a schedule to complete any such case narrowing by January 28, 2020.

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*Counsel for Defendant Apple Inc.*

**CERTIFICATE OF SERVICE**

The undersigned certifies that all counsel of record who are deemed to have consented to electronic service are being served this 22nd day of December, 2020, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Jamie B. Beaber  
Jamie B. Beaber